



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 6, 2013

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PILOT MEDIATION PROGRAM

On October 30, 2012, the Board of Supervisors directed the Chief Executive Office (CEO) and County Counsel to work with the Civil Service Commission (CSC) to establish a Pilot Mediation Program (Pilot) in an effort to reduce the number of Civil Service hearings needed. The CEO and the Director of Personnel were to track the Pilot and report back to the Board after six months with an analysis of the program's results, as well as a recommendation on whether it should be continued.

This report serves to provide the Board of Supervisors with an analysis of the Pilot's results and a recommendation. On June 20, 2013, this Office issued a status memo on the Pilot which highlighted important actions related to its development and included the program's start and end date.

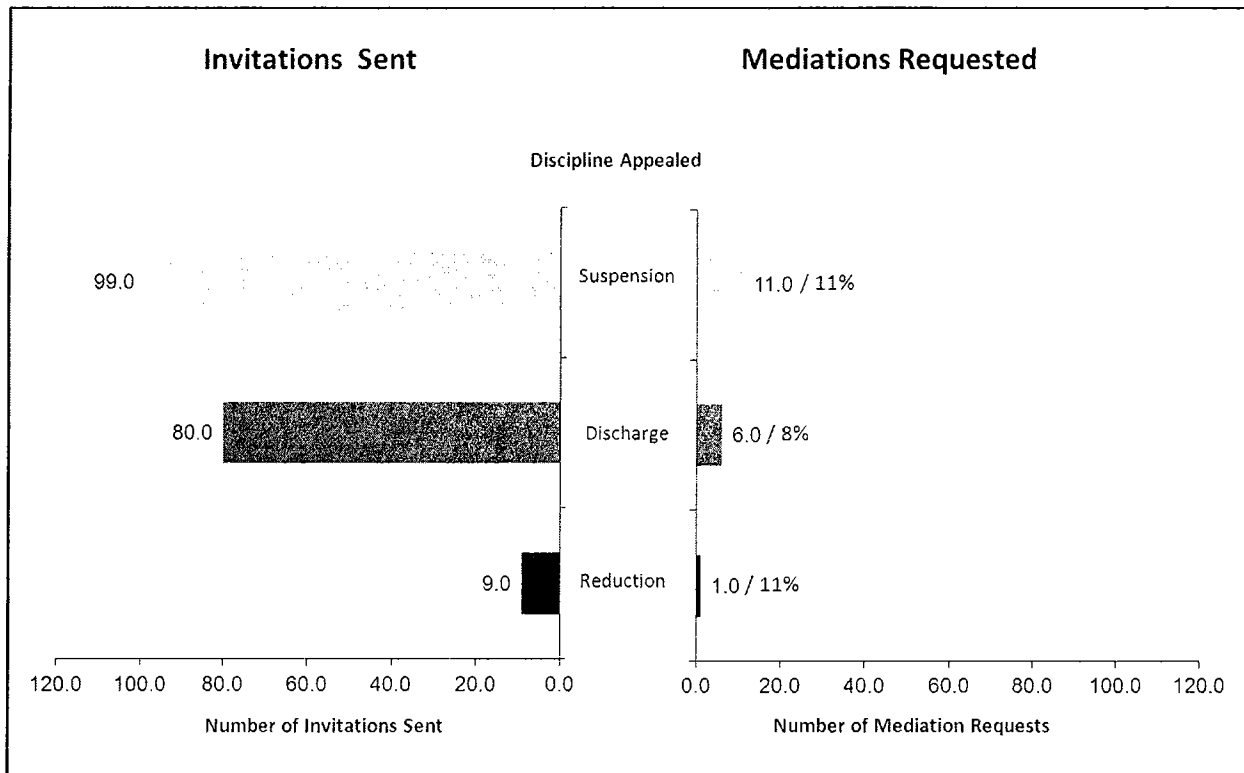
Prior to the implementation of the Pilot, the Department of Human Resources (DHR) met with representatives from SEIU Local 721 to discuss the Pilot. Additionally, DHR representatives informed stakeholders of the civil service process, including the Civil Service Commissioners, departmental chief deputies, departmental administrative deputies, departmental human resources managers, and members of the countywide Advocate Council.

The Pilot was launched by DHR on February 25, 2013, and mediation was offered to Petitioners through August 30, 2013. The CSC disseminated 188 invitations to participate in the Pilot. Invitations accompanied 99 suspensions, 80 discharges, and nine reduction appeals.

The Pilot received 18 requests to mediate CSC appeals. Departments that participated in the Pilot were as follows:

- Child Support Services
- Children and Family Services
- Fire
- Health Services
- Mental Health
- Probation
- Public Social Services

The graph below depicts the number of invitations issued and the number of mediation requests received, categorized by type of disciplinary action:



Of the 18 requests, 12 matters proceeded to mediation. The 12 matters that proceeded to mediation resulted as follows:

- Five reached a settlement, including the Petitioner or Petitioner's Representative withdrawing their respective civil service appeal; and
- Seven ended in an impasse.

Six requests were closed as follows:

- Two requests were not timely;
- Three requests were denied by the department; and
- One employee was not responsive to requests to schedule her mediation session.

Five cases reached a settlement agreement through the Pilot and the Petitioner or Petitioner's Representative withdrawing their respective civil service appeal. The cost incurred by each department was \$350 (the cost of a 3-hour mediation session). However, because the Petitioner withdrew his/her appeal, those departments were not billed the \$1,375 administrative cost by the CSC. In total, net savings realized was roughly \$5,125.

Existing channels allow employees to resolve their Civil Service appeals through active negotiation between the Departmental advocate and the Petitioner and/or Petitioner's Representative. Settlement agreements are a familiar concept and a regular practice when resolving Civil Service appeals. While cases can be resolved at any point in the appeal process, the vast majority are resolved after hearing dates have been scheduled, but prior to the first day of hearing.

A review of cases closed by the DHR Civil Service Advocacy Division (CSA), from February 25, 2013 through August 30, 2013, revealed that nearly 45% of discipline cases were closed as a result of a settlement agreement. The CSA closed 77 discipline appeals, 35 of which were closed via settlement agreement. Therefore, it is our recommendation to continue utilizing the County's existing channels and practices to close appeal cases and strongly encourage departments and employees to communicate expeditiously to free up hearing dates and resources.

If you have any questions, please contact Gevork Simdjian of my staff at (213) 893-9736 or at gsimdjian@ceo.lacounty.gov.

WTF: SHK:GS
LG:cg

c: Executive Office, Board of Supervisors
County Counsel
Human Resources